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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,279	11/10/2000	Peter I. Clarke	ERC-DATA	6853
545	7590	03/28/2006	EXAMINER	
ROGER PITT KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP 599 LEXINGTON AVENUE 33RD FLOOR NEW YORK, NY 10022-6030			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/711,279

Applicant(s)

CLARKE ET AL.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to communication filed on 3/22/2004.
2. Claims 13-27 are presented for examination.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
4. Claims 24, 26 and 27 recites the limitation "the/said website" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatton (WO 00/77672 A2).

With respect to claims 13, 17-23, 25 Hatton teaches implementing an employment sourcing website on a publicly accessible network (Figure 1, 120); implementing on said publicly accessible network a first organization specific website associated with a first organization (Figure 1, 100); receiving employment specific information of a plurality of positions for a plurality of positions from said first organization (Figure 1, 100); presenting an employment hyperlink on said first organization specific website (i.e. candidate 140 accesses server 120 from client 100 );

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transferring a first website visitor, visiting said first organization specific website over said publicly accessible network, from said first organization specific website to said employment sourcing website, said transfer being implemented in response to clicking of said employment hyperlink on said first organization specific website (Figure 1); in response to clicking of said employment hyperlink on said first organization specific website by said first visitor, presenting said employment sourcing website in a style which mimics said first organization specific website and receiving criteria respecting acceptable candidates for each of said plurality of employment positions from said first organization and a first series of questions associated with said criteria (page 5, lines 9-19 and page 8, lines 3-8); presenting, over said publicly accessible network, said information on said plurality of employment positions from said organizations to said visitor on said employment sourcing website and receiving over said publicly accessible network, a selection of one of said employment positions from said website visitor (Figure 2); presenting, over said publicly accessible network, said first series of questions on said employment sourcing website to said first visitor, seeking information respecting said first visitor, said first series of questions being associated with said selected employment position (page 8, lines 21-33); receiving, over said publicly accessible network, answers to said first series of questions from said first website visitor, said answers comprising information on said first website visitor (page 8, lines 21-21-28); scoring said answers from said first website visitor against said criteria for the selected employment position to determine whether information on said first visitor should be sent to said first organization (see Figure 6).

With respect to charging said first organization in response to a scoring determination on said visitor. Hatton is silent as to charging the first organization in response to scoring determination on said first visitor. Official notice is taken that it is old and well known for headhunters, employment agency or the like to charge the employers for administering test and qualifying candidates. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included charging said first organization in response to a scoring determination that information on said visitor should be sent to said first organization because such a modification would allow the organization or entity managing server 120 of Hatton to benefit from administering and scoring the tests.

Claims 14-16 further recite presenting other visitors from other employment hyperlinks other associated websites. Official notice is taken that is old and well known for the system of Hatton to be used for other visitors, other employment hyperlinks and other associated websites because such a modification would allow the flexibility for the system to be used for a plurality of various users and employment agency and employers.

Claims 24, 26 and 27 further recite receiving an indication that said website visitor is being considered for a position and blocking said website visitor from further use of the website and blocking information on said visitor from being transmitted by said website. Hatton teaches the server scoring and making a determination on the eligibility of the candidates (Figure 1, 150 and Figure 6). Hatton is silent as to blocking

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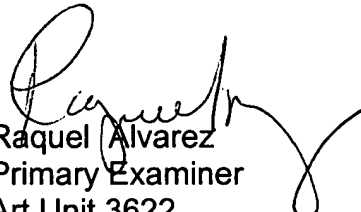
the visitor after a determination and scoring has taken place. Official notice is taken that it is old and well known for blocking a participant from applying or retaking a test after a determination has been made in order to avoid the participant from applying more than once to the same test or position. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's position to have included recite receiving an indication that said website visitor is being considered for a position and blocking said website visitor from further use of the website and blocking information on said visitor from being transmitted by said website in order to obtain the above mentioned advantage.

**Point of contact**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
3/20/2006